

United States District Court
Southern District of Texas
FILED

APR 18 2018

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

David J. Bradley, Clerk of Court

No. 18-20093

4 :17 - CV - 3877

KAMME O,

Plaintiff - Appellant

v.

TEXAS A & M UNIVERSITY SYSTEM,

Defendant - Appellee



A True Copy
Certified order issued Apr 18, 2018

Tyler W. Cayce

Clerk, U.S. Court of Appeals, Fifth Circuit

Appeal from the United States District Court
for the Southern District of Texas

Before HIGGINBOTHAM, SMITH, AND CLEMENT, Circuit Judges.

PER CURIAM:

This court must examine the basis of its jurisdiction on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). In this employment discrimination case, the plaintiff filed a motion for appointment of counsel. The district court referred the motion to the magistrate judge, who denied it. The plaintiff filed a notice of appeal from that order.

Appellate courts do not have authority to review orders of a magistrate judge directly unless the parties have consented to have the magistrate judge preside over the case and enter judgment. See *Barber v. Shinseki*, 660 F.3d

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877, 878-79 (5th Cir. 2011) (per curiam). Lacking consent, the magistrate judge's rulings are reviewable only by appeal to the district court. *Colburn v. Bunge Towing, Inc.*, 883 F.2d 372, 379 (5th Cir. 1989); see also 28 U.S.C. § 636(b)(1)(A). Here, the parties did not both consent to have the magistrate judge preside over the case. Therefore, we are without jurisdiction over this appeal and it must be dismissed.

IT IS SO ORDERED.

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

April 18, 2018

Mr. David J. Bradley
Southern District of Texas, Houston
United States District Court
515 Rusk Street
Room 5300
Houston, TX 77002

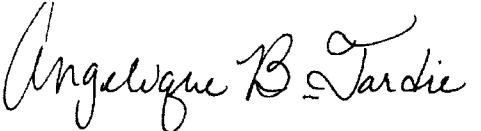
No. 18-20093 Kamme O v. Texas A & M University System
USDC No. 4:17-CV-3877

Dear Mr. Bradley,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By:
Angelique B. Tardie, Deputy Clerk
504-310-7715

cc w/encl:

Ms. Yvonne Denise Bennett
Mr. Kamme O